

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FRANK M. BARREPSKI, JR.	)	
and CARRIE M. BARREPSKI,	)	
Plaintiffs	)	
	)	
v.	)	C.A. NO. 09-cv-11419-MAP
	)	
CAPITAL ONE BANK (U.S.A.),	)	
N.A., and EXPERIAN,	)	
Defendants	)	

ORDER RE: FURTHER PROCEEDINGS  
AGAINST CO-DEFENDANT EXPERIAN

October 26, 2010

PONSOR, D.J.

On September 21, 2010, the court issued a Memorandum adopting the Report and Recommendation of Magistrate Judge Kenneth P. Neiman allowing the Motion to Dismiss of co-defendant Capital One Bank (Dkt. No. 17).

In the final paragraph of that Memorandum, the court noted that the co-defendant Experian had filed no responsive pleading and that no appearance had been filed by any lawyer. The court ordered Plaintiffs to file a status report as to their intentions with regard to pursuing Experian.

On October 8, 2010, Plaintiffs filed a status report as ordered, requesting that they be allowed to perfect service on Experian. The report indicated that Experian has, at some point, appointed an in-state agent.

Based on the foregoing, the court will give Plaintiffs until December 10, 2010 to serve Experian and to file proof of service with the court. Failure to effect service by that date will result in dismissal.

It is So Ordered.

/s/ Michael A. Ponsor  
MICHAEL A. PONSOR  
U. S. District Judge